

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
AMENDED INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 1.63
Title 14, California Code of Regulations
Re: Movement of Live Fish

- I. Date of Initial Statement of Reasons: July 5, 2006
- II. Date of Amended Initial Statement of Reasons: August 25, 2006
- III. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: August 4, 2006
Location: Sacramento, CA
 - (b) Discussion Hearing: Date: October 6, 2006
Location: San Diego, CA
 - (c) Discussion Hearing: Date: November 3, 2006
Location: Redding, CA
 - (d) Adoption Hearing: Date: December 8, 2006
Location: Santa Monica, CA
- IV. Description of Regulatory Action:
- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Currently Section 1.63, Title 14, California Code of Regulations (CCR), reads “Except as provided in sections 4.00 through 4.30 and 230, live fin fish taken under the authority of a sport fishing license may not be transported alive from the water where taken.”

The phrase “taken under the authority of a sport fishing license” creates a loophole. Juveniles under the age of 16 are not required to possess a sport fishing license when fishing. This means that a juvenile could transport live sport taken fin fish and not be in violation of the law. Additionally, it could be argued that persons taking fin fish without first obtaining a sport fishing license would not be in violation of this section.

Lake Davis is a prime example of the adverse effect of transporting certain fish species from one location to another. The lake, which once supported a superb rainbow trout fishery, has now been taken over by northern pike believed to be illegally transplanted from unknown sources outside of California or possibly from nearby Frenchman Reservoir, where pike had also been illegally introduced. This pike population now threatens native salmon and steelhead populations found downstream in the Sacramento-San Joaquin river systems and Delta.

This regulation proposal will remove the reference to sport fishing license to clarify that it is illegal to transport live fin fish from the waters where taken. These proposed regulations will reduce public confusion and improve enforceability of the regulations.
 - (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, and 210, Fish and Game Code.

Reference: Sections 200, 202, 205-210, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

None.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendment.

V. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

The no change alternative was considered and rejected because the regulation as currently written allows juveniles to legally transport live fin fish taken while sport fishing. This practice could have negative impacts on the State's fisheries. An example being the devastating results of the introduction of northern pike into Lake Davis.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

VI. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VII. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation clarifies existing regulations.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:
- None.
- (c) Cost Impacts on a Representative Private Person or Business:
- The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:
- None.
- (e) Nondiscretionary Costs/Savings to Local Agencies:
- None.
- (f) Programs Mandated on Local Agencies or School Districts:
- None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:
- None.
- (h) Effect on Housing Costs:
- None.

Informative Digest/Policy Statement Overview

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